

## BEFORE THE KANSAS STATE BOARD OF NURSING

IN THE MATTER OF  
Angelia K. Davis  
License No. 14-65010-121


Case No. 08-948-7 & 10-1563-7  
OAH No. 11BN0095

**INITIAL ORDER**

Now on this 16th day of November, 2011, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon was duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing (Board), appears through Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Angelia K. Davis, appears in person.

Findings of Fact

1. The respondent filed a renewal application with the Board on November 22, 2009. On this renewal application, the respondent failed to report that she had two misdemeanor convictions. One was in the State of Florida with the conviction date of January 16, 2008. The second conviction also carries with it a child endangerment charge and occurred in August 2008 in Johnson County, Kansas.
2. Due to these convictions, the respondent was referred to the Kansas Nurse Assistance Program (KNAP) for an evaluation. The outcome of the referral was that KNAP recommended an extended one-year evaluation period.
3. The respondent did not agree with this recommendation. She asked for a review. The recommendation was reviewed by Investigative Chair J. Jacobs. The KNAP recommendation was upheld.
4. The respondent continued to disagree with the recommendation and requested a review by the full investigative committee. The results of that was that the respondent should participate in KNAP or she would be referred for further discipline.
5. The respondent entered into a contract with KNAP on February 5, 2010. Her case was closed unsuccessfully with KNAP on February 26, 2010.
6. The respondent was allowed to re-enroll in KNAP on April 28, 2010 with an anticipated completion date of April 28, 2011.
7. The respondent fell into serious non-compliance with her agreement with KNAP in the following ways: she failed to participate in urinary drug screens; she failed to enroll in Affinity for an evaluation; and she failed to report to her employer that she was participating in KNAP.

8. By July 7, 2010, the respondent was compliant with KNAP and she had a new anticipated completion date of July 7, 2011.
9. On October 22, 2010, the respondent relapsed on cocaine. This was identified by KNAP through a urinary drugscreen.
10. 
11. The respondent was, per her agreement with KNAP, put on a three-year contract with KNAP. This contract was sent to the respondent on or about November 6, 2010. The three-year extension in the KNAP program was due to the cocaine relapse in October 2010.
12. The respondent did not enter into her extended three-year contact with KNAP until January 7, 2011.
13. On January 24, 2011, KNAP closed its case with the respondent for failing to do urinary drug screens, missing twelve step meetings, and missing monthly monitoring meetings.
14. During this process the respondent was uncooperative with the Board and its representatives and also with KNAP personnel.

#### Conclusions of Law

1. The Kansas State Board of Nursing has the authority to deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing in the State of Kansas.
2. Reasons to take action against an individual's license to practice nursing in the State of Kansas include:
  - To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure license to practice nursing. K.S.A. 65-1120(a)(1).
  - Participating in unprofessional conduct by failing to complete the requirements of the impaired provider program of the Board, K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(s).
  - Being unable to practice with skill and safety due to current abuse of drugs or alcohol. K.S.A. 65-1120(a)(4).

#### Discussion

1. The respondent first violated the Nurse Practice Act when she failed to report on her July 22, 2009 renewal application that she had two misdemeanor convictions. This is a violation of K.S.A. 65-1120(a)(1).

2. The respondent continued to violate the Kansas Nurse Practice Act by failing to complete the requirements of the Impaired Provider Program of the Board. The respondent failed this requirement three times. She was first referred in February 2010 and her case was closed February 2010. She was again referred to KNAP April 28, 2010 for an extended evaluation. Under this KNAP agreement, the respondent failed to comply until April 20, 2010 when she received a letter from KNAP indicating she was in serious non-compliance with KNAP for failing to perform urinary drugscreens, and enroll in an evaluation program and by failing to report to her employer that she was participating in KNAP. The respondent as given a new KNAP release date of July 7, 2011 at this point.
3. On January 7, 2001, the respondent's KNAP agreement was extended for three years until January 7, 2014 due to her relapse with cocaine in October 2010. These behaviors are violation of K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(s).
4. When the respondent relapsed on cocaine in October 2010, she violated the Nurse Practice Act by being unable to ensure she could practice nursing with skill and safety due to current abuse of drugs or alcohol. This is a violation of K.S.A. 65-1120(a)(4).
5. KNAP closed the respondent's case on January 24, 2011 for missing required urinary drugscreens, failing to attend monthly monitor meetings, and failing to attend twelve-step meetings. This is a violation of the K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(s).
6. At hearing, the respondent indicated she would be willing to participate with KNAP and any treatment recommended. However, the history the respondent has with the Board and KNAP suggested she is not sincere. The respondent's case was unsuccessfully closed with KNAP twice. During her second attempt with compliance with KNAP, the respondent was warned that she was in serious jeopardy of noncompliance. Grudgingly, the respondent complied with KNAP requirements. Finally, the respondent relapsed on cocaine and as a result, her KNAP contract was extended for three years. At this point the respondent failed to maintain her agreement with KNAP and her case was closed. From the first referral to KNAP in February 2010 the respondent was resistive and described as being uncooperative, defensive and angry.

#### Conclusion

The respondent has clearly violated the Kansas Nurse Practice Act and the Board's petition to revoke her license is granted.

Cost of this action shall be assessed against the respondent in the amount of \$70.00.

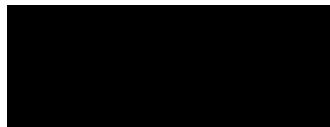
#### Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review

shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.



Sandra L. Sharon  
Administrative Law Judge/Presiding Officer  
Office of Administrative Hearings  
1020 S. Kansas Ave.  
Topeka, KS 66612

CERTIFICATE OF SERVICE

On Dec 14, 2011, I mailed a copy of this document to:

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